IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13103 of 2001

Between:

M/s Agra Sweets Banzara, Rep. by its Director Sri Amith Kumar,
(a Unit of M/s Agra's Khara Pvt. Ltd), Shop.Nos.10-5-5/4/1 to 6, Masab Tank,
Hyderabad,

..... PETITIONER

AND

1 Transmission Corporation of A.P.Limited, (A.P.TRANSCO) Rep. by its Managing Director, Vidyuth Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer, Operation, City Circle, Central Power Distribution Company of A.P.Limited, A.P.Transco, Mint Compound, Hyderabad.
3 The Assistant Divisional Engineer, Distribution-XXVI, City-VII. Masab Tank, Central Power Distribution Company of A.P.Limited, A.P.Transco, Hyderabad.
4 The Assistant Engineer(Electrical), Distribution-XXVI, City-VII, Masab Tank, Central Power Distribution Company of A.P.Limited, A.P.Transco, Hyderabad.
5 The Assistant Accounts Officer (ERO-IX) Central Power Distribution Company of A.P.Limited, A.P.Transco, A.C.Guards, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the revised bill No.013522 dt 25.6.2001 revising the bills from November, 2000 to May, 2001 as highly illegal, arbitrary and against the principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondent No.1 to 5.: MR.N.Subba Reddy for
MR. J. SIDDAIAH, Standing Counsel for AP TRANSCO.

The Court made the following :

ORDER:

Heard Sri V.Nagarjuna Babu, the learned counsel appearing for the petitioner and Sri N.Subba Reddy, senior counsel for Sri J.Siddaiah, Standing Counsel appearing on behalf of the respondents.

The main ground urged by the learned counsel for the petitioner in this writ petition is in regard to back billing in respect of the petitioner's concern. Having regard to the cause of action as arising and also in view of the principles as laid down in ***Klayman Procelains Limited, Hyderabad and others v. Superintending Engineer, Operation, Mahabubnagar Circle, A.P.S.E.Board, Hyderabad and others*** the remedy of the petitioner is to approach the Special Tribunal as constituted under Section 49 (1) of the Amended Provisions.

Following the same, the writ petition is accordingly disposed of permitting the petitioner to approach the said Tribunal within a period of four weeks from today. It is needless to mention that the interim stay granted by this Court shall continue to remain in operation till the disposal of the appeal by the said Tribunal. The Tribunal shall dispose of the same within a period of three months from the date of its filing. No costs.

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B. PRAKASH RAO, J

27th January 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER.

To

1 The Managing Director, Transmission Corporation of A.P.Limited,
(A.P.TRANSCO) Vidyuth Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer, Operation, City Circle,
Central Power Distribution Company of A.P.Limited,
A.P.Transco, Mint Compound, Hyderabad.
3 The Assistant Divisional Engineer, Distribution-XXVI, City-VII.
Masab Tank, Central Power Distribution Company of
A.P.Limited, A.P.Transco, Hyderabad.
4 The Assistant Engineer(Electrical), Distribution-XXVI, City-VII,
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A.P.Limited, A.P.Transco, Hyderabad.
5 The Assistant Accounts Officer (ERO-IX) Central Power
Distribution Company of A.P.Limited, A.P.Transco, A.C.Guards,
Hyderabad.

6 Two C.D. copies.